

REMARKS

Claims 1-10 and 12-33 are currently amended. Claim 11 is canceled. New claim 34 is added. Accordingly, claims 1-10 and 12-34 are pending examination.

Objection to Drawings

Drawings filed on March 25, 2004 are objected to by the Examiner because they include reference characters 20 (figures 1 and 2); and 51, 54 and 55 (figure 5), which are not in the text. In response, the Applicant has included a new Figures 2 and a new Figure 5 from which these reference numerals are removed. Applicant has not included a new Figure 1 as Applicant was unable to identify reference numeral 20 in the current Figure 1.

Additionally, Applicant has provided a new Figure 9 where the prior reference number 66 has been replaced with reference numeral 12. This amendment brings Figure 9 into agreement with page 14, lines 2-3 of the pending application.

The drawings are also objected to for failing to show the insulator brazed on its outer surface and also on its bottom surface to the top surface of the cover as specified in claims 15-24. Applicant has amended claim 15 to remove this requirement.

Rejection of Claims 6 and 25 Under 35 USC §102(b)

Claims 6 and 25 are rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 3,646,405 (Wallis).

The Applicant has amended claims 6 and 25 to include some subject matter from claim 10. Accordingly, the Applicant addresses the rejection of claim 10 below. Claim 10 stands rejected as unpatentable over Wallis in view of U.S. Patent No. 6,696,199 (Yoshida).

Claims 6 and 25 each now specify that the pin is a “one-piece” pin. The pin that the Office Action cites in Wallis includes two pieces (metal plate 12 and electrode 13). As a result, the Office relies on Yoshida teaching a one-piece pin (the cited pin). However, Yoshida teaches that the cited pin serves the same function as a two-piece pin. For instance, Yoshida first teaches a two-piece pin having a metallic ring on a terminal. Yoshida then teaches the cited pin as having a metallic ring portion on a terminal at C8,

L42. Yoshida then teaches that the cited pin and the two-piece provides the same function when stating that “the distortion can be accommodated by the ... the metallic ring portion 4a being deflected, **as in the case of the metallic ring 11**” (emphasis added). Since Yoshida teaches that the cited pin provides the same function as a two-piece pin, this portion of Yoshida provides no motivation for using the cited pin in place of the two-piece pin being employed in Wallis.

Yoshida does teach that the cited pin has an advantage over the two-piece pin. However, the advantage taught in Yoshida is already present in Wallis. For instance, C8, L56-57 of Yoshida teaches that the “metallic ring portion 4a need not be brazed to the positive terminal.” (sic). However, the formation of the Wallis pin already avoids brazing as disclosed at C3, L62-63. Since the pin employed in Wallis already has the advantage of the cited pin, there is no motivation to use the cited pin in the device of Wallis.

Since Yoshida teaches that a two-piece pin and the cited pin provide the same function, Yoshida does not teach that the cited pin provides improved functionality over a two-piece pin. As a result, Yoshida does not set forth a functional advantage that would cause someone to use the cited pin in the device of Wallis. Further, since the pin cited in Wallis already has the advantage that Yoshida sets forth for the cited pin, Yoshida provides no teaching that the cited pin would be advantageous over the cited Wallis pin. As a result, the cited art provides no motivation for modifying the device of Wallis with the pin of Yoshida and claims 6 and 25 are patentable over the cited.

Rejection of Claims 30 Under 35 USC §102(b)

Claim 30 stands rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 6,111,198 (Tower).

The Applicant has amended claim 30 to include some subject matter from claim 33. Accordingly, the Applicant addresses the rejection of claim 33 below. Claim 33 stands rejected as being unpatentable over Yoshida in view of Tower.

Claim 30 is amended to specify that the feedthrough assembly is “for an electrochemical device” and also that the “cover (is) for the electrochemical device.”

However, Tower is directed to semiconductor devices as disclosed in the Abstract. Accordingly, Tower is not analogous prior art.

MPEP §2141.01(a) provides a two-part test for determining whether a piece of prior art is analogous prior art. First, "the reference must ... be in the field of the applicant's endeavor." MPEP §2141.01(a) also cites *Wang Laboratories, Inc. vs. Toshiba Corporation*, 993 F.2d 858, 26 U.S.P.Q. 2d 1767 (Fed. Cir., 1993). Applicant's field of endeavor is electrochemical devices such as batteries while Tower's field of endeavor is semiconductor devices as is disclosed in Tower's Abstract. Accordingly, Tower is not in the applicant's field of endeavor and the Tower reference fails the first part of the test.

MPEP §2141.01(a) sets forth the second part of the two-part inquiry when it states that if the reference is not in Applicant's field of endeavor, it must "be reasonably pertinent to the particular problem with which the inventor was concerned." A "reference is reasonably pertinent if ... it ... logically would have commended itself to an inventor's attention in considering his problem." See MPEP §2141.01(a) citing to *Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993).

The Background of the pending Applications sets forth Applicant's problem as the design of a feedthrough that is suitable for use with **compact batteries**. Tower does not teach that Tower's device would solve problems associated with compact batteries. As a result, an inventor addressing issues associated with compact batteries would not look to Tower for a solution. Since the inventor would not look to Tower for a solution, Tower fails the second part of the analogous art test and is not analogous art for claim 30 as amended. For this reason alone, claim 30 is patentable over the cited art.

Additionally, there is no motivation to combine Tower with Yoshida. Yoshida is directed to battery design as disclosed in Yoshida's title. In contrast Tower is concerned with semiconductor devices as disclosed in Tower's abstract. Nothing in Tower suggests that Tower's feedthrough adequately addresses issues associated with batteries. For instance, paragraph [0007] of the pending application teaches that battery feedthroughs are associated with corrosion from electrolyte exposure. However, Tower provides no teaching that Tower's feedthrough is suitable for use in an environment with corrosive electrolytes. Without some teaching that semiconductor feedthroughs are suitable for use

in batteries, an inventor would not be motivated to combine Tower with a battery reference such as Yoshida. For this reason alone, claim 30 is patentable over the cited art.

Claims 7-10, 12-14, 26-29, and 31-34

Claims 7-10, 12-14, 26-29, and 31-34 each depends from independent claim 6, 25, or 30. Since each of the independent claims is believed to be in condition for allowance, claims 7-10, 12-14, 26-29, and 31-34 are also believed to be in condition for allowance.

Allowable Subject Matter

Claims 1-5, and 15-24 are currently allowed. Applicant thanks the Examiner for the indication of allowable subject matter.

CONCLUSION

The Examiner is encouraged to telephone or e-mail the undersigned with any questions.



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